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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,023	09/24/2003	Kurt J. Wasilewski	M09677	4549
7590	10/15/2004		EXAMINER	
William D. Lanyi, Esq. Mercury Marine W6250 Pioneer Road P.O. Box 1939 Fond du Lac, WI 54936-1939			BASINGER, SHERMAN D	
			ART UNIT	PAPER NUMBER
			3617	
DATE MAILED: 10/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/670,023	WASILEWSKI, KURT J.	
	Examiner	Art Unit	
	Sherman D. Basinger	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on _____.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 16-23 is/are allowed.
 6) Claim(s) 1-4, 8 and 10-12 is/are rejected.
 7) Claim(s) 5-7, 9, and 13-15 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 24 September 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/24/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

Drawings

1. The drawings are objected to because the lines, numbers and letters of especially figure 1 are not uniformly thick and well defined. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 9, 21 and 22 are objected to because of the following informalities: in claim 9, line 5 "and said preselected status" should be deleted in view of "and the preselected operating status" in lines 5 and 6 and in claims 21 and 22 "said acceleration value" has no clear antecedent. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sloan.

Sloan discloses a method for controlling the electrical system of a marine propulsion system,

comprising the steps of:

providing an engine 10 as a source of motive power for said marine propulsion system;

providing an electrical energy providing device 15 connected in torque transmitting relation with said engine;

monitoring an operating characteristic associated with the operating speed of the internal combustion engine (see column 2);

comparing said operating characteristic to a preselected magnitude (see column 2, lines 38-47);

deactivating the electrical energy providing device as a function of the relative magnitude of the monitored operating characteristic and the preselected magnitude (see contactors 30 and 31), and

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providing a propulsion control unit (shown in the figure by a rectangular box made with broken lines) which is connected in electrical communication with said electrical energy providing device.

The belt and pulley arrangement is 23, 24 and 25.

With regard to claim 4, see column 1, line 43.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan in view of Labombarde.

Sloan discloses the use of a generator as opposed to an alternator. Note that Labombarde discloses that the most advantageous form of a generator is an alternator. For that reason, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use as the generator of Sloan an alternator.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan in view of Wenstadt et al.

Sloan does not disclose providing a trimming mechanism by which the operator of said marine vessel is able to affect the horizontal attitude of said marine vessel; and providing a signal which is representative of the operating status of the

trimming mechanism.

Wenstadt discloses providing a trimming mechanism 32 by which the operator of said marine vessel is able to affect the horizontal attitude of said marine vessel; and providing a signal through sensor 39, 43, 244 which is representative of the operating status of the trimming mechanism.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide to the boat of Sloan an inboard outboard drive similar to that of Wenstadt including the trimming mechanism and its associated sensors. Motivation to do so is to use an inboard outboard drive to propel the boat of Sloan. Such a drive provides means to trim the boat for stability and planning.

Allowable Subject Matter

8. Claims 16-23 are allowed.
9. Claims 5-7, 9 and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

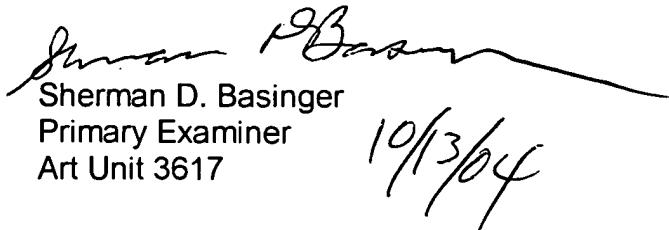
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McClure is cited to show a vacuum actuated control device to cut out the load on a generator when the engine is pulling a load heavier than normal.

Kaye is cited to show deenergization of a.c. based upon engine speed. GB 2 039 172 is cited to show regulation of a generator during acceleration.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sherman D. Basinger
Primary Examiner
Art Unit 3617


sdb
10/13/04